

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re MULTIPLAN HEALTH INSURANCE  
PROVIDER LITIGATION

Case No. 1:24-cv-06795

MDL No. 3121

*This Document Relates To:*  
ALL DIRECT ACTION PLAINTIFF  
ACTIONS

Hon. Matthew F. Kennelly

**JOINT APPLICATION FOR  
APPOINTMENT OF DIRECT ACTION PLAINTIFFS'  
EXECUTIVE COMMITTEE AND COORDINATING COUNSEL**

Pursuant to the Court's August 29, 2024 Minute Order (Dkt. 98), Direct Action Plaintiffs ("DAPs")<sup>1</sup> respectfully submit this Joint Application for the Appointment of a DAP Executive Committee and Coordinating Counsel. The DAPs propose that the Court appoint a DAP Executive Committee consisting of (1) Stephen M. Medlock of Vinson & Elkins LLP, (2) Matthew Lavin of Arnall Golden Gregory LLP, (3) Hunter Shkolnik of Napoli Shkolnik, and (4) Jennifer Scullion of Seeger Weiss LLP. Further, the DAPs propose that the Court appoint Christopher Seeger of Seeger Weiss LLP as non-voting DAP Coordinating Counsel. In accordance with the guidance of Manual

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<sup>1</sup> This Joint Application is submitted by all of the current DAPs (Adventist Health System Sunbelt Healthcare Corporation; CHS/Community Health Systems, Inc.; Alter Management LLC; Awakening Behavioral Health; Guardian Health Care Service, Inc.; PCI Westlake Centers; American Surgical Arts, P.C.; AMS Pro Group, LLC; Bailard House, LLC; California Recovery Center LLC; Lido Wellness Center LLC; Los Angeles Outpatient Center, LLC; Marks House, LLC; The Meadowglade, LLC; Sober Life Recovery Solutions LLC.; Cusimano Plastic Surgery, LLC; Edward P. Miranda, M.D. A Medical Corporation; Hillside Recovery Center, LLC; HOLY Addiction Care Center, Inc.; Inspire Recovery Center Inc.; LNA Realty Inc.; MAS Pro Group LLC; Meta Wellness Inc.; New Life Inc.; PAC Neuro, Inc.; Ritz Recovery, Inc.; Ross Cooperman, M.D. L.L.C.; Tarzana Recovery Center; Taylor Theunissen, MD, LLC; The Ohana Retreat LLC; Tucson Plastic Surgery, LLC; Uplift Recovery Center, LLC; Vanity Detox Center, Inc.; and Vanity Wellness Center, Inc.).

For Complex Litigation (4th) § 10.22 and § 40.1, this proposed DAP leadership structure will ensure fair representation of the DAPs' unique interests, facilitate coordination with the Court and other parties, and promote efficient prosecution of the common aspects of the DAPs' actions. DAP leadership already represent 50 healthcare provider plaintiff plaintiffs or intended direct-action plaintiffs in this MDL, and expect to represent hundreds more.

**First**, as set forth in the attached resumes, proposed DAP leadership counsel have strong experience with complex antitrust and healthcare matters.<sup>2</sup>

Mr. Medlock belongs to Vinson & Elkins' Washington, D.C. antitrust practice, which has been ranked by Chambers & Partners and Global Competition Review, and has over fifteen years of experience in antitrust litigation on behalf of both plaintiffs and defendants, including as counsel in numerous complex antitrust matters in the Northern District of Illinois and other federal courts.

Mr. Lavin is a leading healthcare reimbursement lawyer and one of the most experienced litigators of MultiPlan pricing issues in the country. He and his partners have represented plaintiffs in dozens of actions against MultiPlan, including class actions and consolidated mass actions. He has previously deposed several senior MultiPlan executives and taken large-scale document discovery from MultiPlan and the healthcare payor defendants, including UnitedHealthcare, Cigna, Anthem and the Blue Cross Blue Shield entities. Among many other MultiPlan-related matters, Mr. Lavin serves as lead counsel in *LD et al. v. United Behavioral Health, MultiPlan Inc., et al.*, 4:20-cv-02254 (N.D. Cal.) and *RJ v. Cigna Behavioral Health, MultiPlan Corp. et al.*, 5:20-cv-02255 (N.D. Cal.). He and his partners are currently preparing for trial against Cigna (for issues

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<sup>2</sup> Resumes and descriptions of relevant prior experience for each proposed member of the DAP Executive Committee are attached as exhibits to this application.

related to MultiPlan pricing) in *TML Recovery, LLC et al. v. Cigna Corporation, MultiPlan, Inc. et al.*, 20-cv-00269 (N.D. Cal.).

Mr. Shkolnik holds numerous leadership appointments in multi-district litigations and currently serves as Co-Liaison Counsel in the Flint Water litigation, where he helped negotiate the landmark \$641.2 million settlement. He was also a primary attorney in settling the first federal opioid trial in Ohio for \$320 million and is a member of the Plaintiffs' Executive Committee for the National Prescription Opiate litigation, and was a lead trial attorney in the monumental win in the New York Opioid Trial

Ms. Scullion has more than twenty-five years of experience in antitrust and complex litigation matters (on both the plaintiff and defense side), including in the *Broiler Chicken* and *Turkey* antitrust cases in this District. She is a member of the Executive Committee of the Committee to Support the Antitrust Laws (COSAL), the nation's premier advocacy organization representing antitrust lawyers and is frequently invited to speak on antitrust and complex litigation by the American Antitrust Institute, the American Bar Association, the American Association for Justice, the Bolch Judicial Institute of Duke University, and the Antonin Scalia Law School.

Mr. Seeger is widely recognized as a highly innovative and accomplished plaintiff attorney known for his leadership of multidistrict litigations, including serving as Co-lead Counsel and Lead Trial Counsel in the *Testosterone Replacement Therapy Products Liability Litigation* MDL before this Court and as Co-Counsel and Settlement Counsel to some of the largest opt outs in the *Broiler Chicken* and *Turkey* antitrust cases in this District, as well as in the *Cattle and Beef*, and *Pork* antitrust cases in the District of Minnesota.

**Second**, proposed DAP leadership counsel have demonstrated their willingness and availability to commit to a time-consuming process. All four firms have filed detailed complaints

that, individually and collectively, reflect extensive factual investigation of the MultiPlan Cartel and careful consideration of the legal bases for relief. Vinson & Elkins also vigorously opposed MultiPlan's motion to dismiss AHS's Complaint through briefing and oral argument in the Southern District of New York. Vinson & Elkins and the Arnall Golden Gregory, Napoli Shkolnik, Seeger Weiss group also represented DAPs before the Judicial Panel on Multidistrict Litigation. All four firms participated in the Case Management Conference on August 29, 2024.

**Third**, each of the four firms proposed to participate as DAP leadership counsel has committed and will commit multiple partners, associates, and staff to the long-term prosecution of this litigation. As reflected in the attached exhibits, each firm possesses sufficient financial resources to litigate this matter through trial, including retaining top expert witnesses.

**Fourth**, proposed DAP leadership counsel have displayed the ability to work cooperatively with others. Since the creation of this MDL, proposed DAP leadership counsel have collaborated with all Plaintiffs and prepared a joint request for inclusion of topics for the August 29, 2024 initial conference. They have also met and conferred with Defendants' counsel to seek agreement on issues including leadership structures, a briefing schedule, and submissions including an ESI protocol and a protective order. Proposed DAP leadership counsel have longstanding professional relationships with other counsel in this matter and have respectfully litigated with and against each other in various actions. Proposed DAP leadership counsel also have litigated frequently in the Northern District of Illinois and are familiar with its Local Rules and Individual Procedures.

If appointed by the Court, proposed DAP leadership counsel would submit a proposed Order to the Court setting forth the responsibilities of the DAP Coordinating Counsel and DAP Executive Committee, which are anticipated to include: (1) coordinating communications with the Court and appearances at conferences for the DAPs; (2) preparation and filing of a Master DAP

Complaint and DAP Short Form Complaints; (3) maintaining a census of all DAP actions in the MDL; (4) coordinating briefing and argument of motions on common legal issues concerning DAPs; (5) coordinating discovery by the DAPs in a manner to avoid duplication; (6) calling and conducting meetings of DAP counsel; and (7) communicating with Defendants' counsel on common issues concerning DAPs.

DAP counsel are mindful of this Court's request that DAPs form a leadership structure that facilitates efficient communications on common issues. For that reason, the DAPs propose that Christopher Seeger serve as DAP Coordinating Counsel and be their designated contact person for communications from the Court and Defense Counsel concerning issues common to the DAPs. Mr. Seeger will be responsible for discussing these communications with DAP Counsel and the DAP Executive Committee.

For all of the above reasons, the undersigned DAPs jointly request that the Court appoint Christopher Seeger as DAP Coordinating Counsel and Stephen M. Medlock, Matthew M. Lavin, Hunter Shkolnik, and Jennifer Scullion as the DAP Executive Committee.

Dated: September 9, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2024, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

/s/ Christopher Seeger

Christopher Seeger